



**JUSTICE CABINET
DEPARTMENT OF
JUVENILE JUSTICE
POLICY AND PROCEDURES**

REFERENCES:
505 KAR 1:110
3-JTS-3C-09-12, 14-24
3-JCRF-3C-03, 04, 06-10, 15,
16
1-JBC-3C-08-11, 13-23
2-CO-3C-01
4-JCF-3B-02, 08, 09; 3C-05-16

CHAPTER: Program Services

AUTHORITY: KRS 15A.0652

SUBJECT: Disciplinary Review

POLICY NUMBER: DJJ 318.2

TOTAL PAGES: 5

EFFECTIVE DATE: 1/04/2016

APPROVAL: Bob D. Hayter

, COMMISSIONER

I. POLICY

When there is evidence or allegations that a youth has committed a major rule violation, a disciplinary review shall be scheduled with the treatment team.

II. APPLICABILITY

This policy shall apply to each group home and youth development center (YDC).

III. DEFINITION

Refer to Chapter 300.

IV. PROCEDURES

- A. The shift supervisor or Administrative Duty Officer (ADO) shall initiate an investigation within twenty-four (24) hours of the occurrence of an alleged major rule violation. The investigation shall be completed without unreasonable delay, unless there are exceptional circumstances for delaying the investigation.
- B. Violation of a major rule shall require the issuance of a penalty slip to the youth within twenty-four (24) hours of the infraction or within twenty-four (24) hours once staff becomes aware of the alleged infraction.
 1. The penalty slip shall document the alleged violation and any immediate sanctions taken by staff.

POLICY NUMBER DJJ 318.2	EFFECTIVE DATE 1/04/2016	PAGE NUMBER 2 of 5
--	---	-------------------------------------

2. A copy of the penalty slip shall be given to the chairperson of the treatment team.
- C. A disciplinary review for a major rule violation shall be held by the treatment team within seven (7) business days after the penalty slip issuance. The treatment team chairperson, or designee, shall set the date and time of the disciplinary review.
- D. The youth, alleged to have committed the major rule violation, shall be given written notice twenty-four (24) hours prior to the disciplinary review of the place, date, and time of the review, except when the youth signs a waiver to allow the review to take place sooner.
- E. The youth counselor shall notify the youth's juvenile service worker (JSW) of the upcoming disciplinary review.
- F. The treatment team is responsible for making all treatment decisions regarding a youth in response to the major rule violation, placing a youth off Treatment Track, changes in the Individual Treatment Plan (ITP), or recommendation for transfer.
- G. The chairperson may grant postponement or continuance of the disciplinary review. Postponement or continuance may be granted when there is justifiable cause and the reason for such action shall be documented in the disciplinary review documentation.
- H. The youth shall be present during the disciplinary review, unless his behavior justifies exclusion or the youth waives, in writing, his right to attend. The youth may be excluded during testimony of any youth whose statement shall be given in confidence. The reason for the youth's absence shall be documented in the disciplinary review documentation.
- I. The youth may request the services of any staff member to represent him in the disciplinary review or a staff member may be assigned by the chairperson or designee if the youth is incapable of representing himself.
- J. Each treatment team member, involved in the alleged major rule violation, shall be exempt from participation in the disciplinary review in order to ensure impartiality.
- K. During the disciplinary review, the youth may make a statement, present evidence, and request witnesses on his behalf. If a witnesses behavior jeopardizes the security of the facility, they shall be excluded with reasons being documented in the disciplinary review documentation.
- L. The juvenile shall sign the disciplinary review report verifying that they have received the report and were given an opportunity to respond.

POLICY NUMBER DJJ 318.2	EFFECTIVE DATE 1/04/2016	PAGE NUMBER 3 of 5
--	---	-------------------------------------

- M. A criminal petition may be filed based upon a major rule violation. If it is determined that a petition shall be filed, the disciplinary review process shall be suspended until the criminal prosecution is complete.
- N. Treatment team shall review all of the information obtained during the disciplinary review process to include staff reports, the statements of the youth charged with the violation, and evidence derived from witnesses and documents.
- O. Based on the information they receive, the treatment team shall utilize the graduated response decision matrix to determine the needed level of response of low, moderate, or high level by determining the frequency, length, amenability, and gravity of the violation.
 - 1. Low level response:
 - a. Frequency: Behavior occurs infrequently and/or there are isolated incidents.
 - b. Length: Behaviors have occurred over a short period such as one (1) to two (2) weeks.
 - c. Amenability: The youth is overall engaged and responding positively to treatment. Youth acknowledges behavior is wrong and is attempting to correct it.
 - d. Gravity: The violation has no level of threat to self, others, or facility.
 - 2. Moderate level response:
 - a. Frequency: A behavior pattern is starting to emerge.
 - b. Length: Similar behaviors have occurred over a more prolonged time and patterns are emerging.
 - c. Amenability: Youth does not always respond to treatment and corrective actions. Youth acknowledges behavior is wrong, but does not attempt to correct or sporadically attempts to correct.
 - d. Gravity: Behavior has the potential of threat to self, others, or facility.
 - 3. High level response:
 - a. Frequency: An established pattern of behavioral issues even following sanctions.
 - b. Length: Chronic pattern of negative behaviors or isolated incidents that pose a threat to self, others, or the facility.

POLICY NUMBER DJJ 318.2	EFFECTIVE DATE 1/04/2016	PAGE NUMBER 4 of 5
--	---	-------------------------------------

- c. Amenability: Clear pattern of non-compliance. Failure to respond after use of sanctions and corrective measures. Youth does not acknowledge behavior is wrong.
 - d. Gravity: Violation is clearly threatening to self, others, or the facility.
- 4. If a youth's violation falls into more than one level of responses in IV. O. 1-3, the treatment team shall choose the least restrictive level of response to safely manage the behavior. Gravity shall be considered the most significant category as it relates to the protection of the youth, staff, and facility. Priority shall always be given to facility and youth safety.
- 5. Once the level of response is determined, the treatment team shall impose a corresponding level of sanctions from the graduated sanction grid to promote rehabilitation. All sanctions shall be logical, proportional, timely, and consistent with the youth's ITP.
- 6. Sanctions shall be rendered immediately following the disciplinary review.
- 7. Youth shall receive no more than two (2) sanctions for any one violation. Sanctions shall be documented on the Sanction Sheet and the youth shall receive a copy.
- 8. Youth who do not complete required sanctions shall advance through the level system, but shall not be eligible for Development or Demonstration Level privileges until sanctions are complete.
- 9. If the youth is taken off Treatment Track as a sanction, the treatment team shall document on the Sanction Sheet the required length of time they will remain off track. Upon the timeframe being met the youth will be placed back on track whether sanctions were completed or not. Youth who do not complete required sanctions shall advance through the level system, but shall not be eligible for Development or Demonstration Level privileges until sanctions are complete.
- P. A record of the entire disciplinary review proceeding and supporting documents shall be maintained as a part of the youth's Individual Client Record (ICR). All recommendations or dispositions of the treatment team shall be:
 - 1. Documented in the disciplinary review documentation;
 - 2. Reviewed by the Superintendent or designee, to ensure conformity with policy and procedure;
 - 3. Copied to the youth along with notice of right to appeal.

POLICY NUMBER DJJ 318.2	EFFECTIVE DATE 1/04/2016	PAGE NUMBER 5 of 5
--	---	-------------------------------------

- Q. If at any time during the investigation or during the disciplinary review the allegation is found to be unsubstantiated, the matter shall be dismissed. All written documentation regarding the investigation and disciplinary review shall be removed from the ICR and shall be retained by the Treatment Director or Superintendent for a minimum of six (6) months.
- R. An appeal of a disciplinary review shall be made in writing, by the youth, to the Superintendent within fifteen (15) days of receipt of the treatment team decision. The Superintendent shall make a decision on the appeal within thirty (30) days of receipt. The youth shall be promptly notified in writing of the decision.
 - 1. If the decision of the treatment team is upheld, a copy of all written documentation shall be placed in the youth's ICR.
 - 2. If the treatment team decision is overturned, all written documentation regarding the disciplinary review process shall be removed from the ICR.
- S. A copy of the agency approved disciplinary review appeal documentation of the Superintendent's final decision, along with the disciplinary review documentation, shall be forwarded to the Facilities Regional Administrator (FRA) and the Departmental Ombudsman at the same time the final resolution is given to the resident.

V. MONITORING MECHANISM

Monitoring shall be conducted by the FRA or Regional Director, the Departmental Ombudsman, and the Quality Assurance (QA) Branch during regularly scheduled audits.